SHRI G.S. SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE G.V. SEETHAPATHY
WRIT PETITION NO. 20754 OF 2004

BETWEEN
Chinthala Venkata Reddy

.....Petitioner

And
The Commissioner of Endowments Department,
Hyderabad & others.

.....Respondents

Counsel for the petitioner : Shri P. Radha Krishna for
Shri K. Jagadishwar Reddy

Counsel for Respondent Nos.1 and 2 : Government Pleader for
Endowments

Counsel for Respondent No.3 : Shri K. Ravi

Counsel for Respondent No.4 : Shri T. Sudhakar Reddy

Dated: 31.08.2006

::O R D E R::

Per G.S. SINGHVI, CJ

In this petition, the petitioners have prayed for issue of a writ in the nature of mandamus directing Commissioner of Endowments Department, Hyderabad (respondent No.1) to take possession of Shri Renuka Yellamma Devi Temple situated in Anantharam Village, Bhongir Mandal, Nalgonda District along with its assets and administration from respondent No.4, Sri T.Balakrishna.

In the affidavit filed by petitioner No.2 - Shri Somaiah Goud, it has been averred that the temple was founded by one Shri B. Pandurangam and now the same is being maintained by some other person who is collecting huge amounts in the name of temple and misappropriating the same. The deponent has further averred that he and other petitioners are devotees of the temple and have been regularly offering prayers to the deity and they are interested in ensuring that the donations etc., received for the development of the temple are not misused. According to Sri Somaiah Goud, respondent No.4 is not an educated person and he does not know how to perform the rituals and customs and yet he is collecting offerings which comes to Rs.60,000/- per month. The grievance of the petitioners is that even though they have represented to the concerned authorities to take action in accordance with the provisions of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 (for short 'the 1987 Act'), the latter have failed to take necessary action. The petitioners have also pleaded that Sri R.Venkatesham was appointed by the Endowments Department as Manager, but he has not taken charge of the temple and respondent No.4 is continuing to misuse

the property of the temple.

In the counter-affidavit filed on behalf of respondents 1 and 2, the allegations of mal-administration of the temple and misappropriation of funds have been denied. It has been further averred that by an order dated 17-7-2004 the department has already appointed Person-in-Management under Section 6 (c) (ii) of the 1987 Act.

In a separate counter-affidavit filed by respondent No.4, it has been averred that he had found the idol of Sri Renuka Yellamma Devi, which was installed in the temple. He has then averred that the Inspector, Endowments, Bhongir manipulated the appointment of Sri R.Venkatesham as Person-in-Management, because both are related to each other. Still further, respondent No.4 has averred that appointment of Sri R.Venkatesham was stayed by the High Court in W.P.M.P.No.7926 of 2003 filed in Writ Petition No. 6050 of 2003. Later on, the interim order was modified and respondent Nos.1 and 2 were given liberty to consider the issuance of notification under Section 6 of the 1987 Act. For proper appreciation of the stand taken by respondent No.4, the averments contained in paragraphs 14 to 18 of his counter-affidavit are reproduced below.

> "14. I submit that in reply to paras 4 & 5 it is absolutely false to say that there is a change in the functioning of the temple namely in the maintenance, daily prayers and other rituals. It is also not correct to say that the earlier priest who used to perform pujas was removed. Obviously the petitioners are referring to Mr. R.Venkatesham whom the 2nd respondent appointed him as Person In-Management of the petition temple which orders are stayed by this Hon'ble Court as stated above. That apart this said Venkatesham never acted as priest nor performed pujas and a new priest was appointed in his place as alleged. Right from the beginning i.e., since 1994 to date I am functioning as pujari and conducting daily pujas and sevas to the entire satisfaction of the devotees who attend the temple and as founder trustee. I am managing the day-to-day affairs and management of the temple perfectly in a right manner and there were no grievance or dissatisfaction among the devotees who attend the temple. The temple is entirely managed from my funds and no donations are being collected from the public or devotees. The Inspector, Endowments who failed in his attempts to plant a man of his choice as Person In-Management to usurp the management of the temple creating all these troubles by ganging up a few people in the village with the active support and cooperation of the 2nd respondent.
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> 15. I submit that in reply to para 6 that the allegations made therein are absolutely false. It is true that I am sei-illiterate and performing daily pujas and sevas in a humble way. I am carrying out those pujas and sevas strictly according to customs, usages and practices in which I am well versed. Instances are not wanting even from ancient times to dates the ballod singers and mendicants who have no education convey the message of the epics and religious lore to the masses in the rural areas guarding the folk religion. Therefore the 2nd respondent cannot intervene to regulate the rituals and the management of the temple on this score and at the behest of the writ petitioners. The petitioners without any cogent reason, argument or evidence attached a stigma to me as anti-social. That allegation is entirely Ipse Dexit. In these circumstances the moot point is that whether I am carrying out the pujas or other rituals according to religious usages, custom and practices. If the answer is in negative the devotees, would not attend the temple daily, the Chairman and Vice-Chairman of the Mandal Parishad, Nalgonda and the Member of the ZPTC, Bhongir, Nalgonda district, the former Sarpanchy of Anantharam village and the Counsellor of the Bhongir Mandal would not have confirmed in writing the flawless conducting of pujas etc. and also of the proper management of the temple. Admittedly the devotees are attending the temple regularly.
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> 16. I submit that it is pertinent to mention here that the Constitution of India considers religion as a matter of thought, expression, faith and belief expressed overtly in the form of rituals and worship. It may be professed, practiced and propagated by any one and Article 25 of the Constitution of India guarantees the right to profess, practice and propagate religion as it ensures liberty of thought, expressions, belief, faith and worship. I further submit that this Hon'ble Court may be pleased to distinguish between the right to manage the affairs of the petition temple in the matters of religion and the right to administer its property. The petition temple has no property and the Kanukas from devotees does not ext6end beyond Rs.3000/- p.m. and at any rate the receipts from devotees by way of Kanukas does not extend beyond Rs.36,000/- p.a. at any point of time and therefore the 2nd respondent cannot regulate the affairs of the temple in the matters of religion and the temple does not come within the purview of the Hindu Charitable Religious Institutions and Endowments Act, 1987.

17. I also submit that the ritualistic part of the temple namely conducting pujas and sevas of the temple need not be performed by educated people alone. I belong to Yadava community and I am in my own humble way performing pujas and sevas to the entire satisfaction of the devotees who attend the temple. This Hon'ble Court is well aware of the fact, that exclusive privileges for performing duties of an Archaka in a temple has gone and therefore the petitioners cannot claim or allege that the pujas or sevas are not being performed in a proper manner and further alleging that I am not having necessary qualifications in that respect. I submit that this Hon'ble Court may take judicious notice of the fact that by raising the lower up to the level of the higher is a proper and justified action on. In view of the matters I may be allowed to be the pujari of the temple and in fact ancient scriptures also speak so.

18. I submit that in reply to para 7 that the petitioners gave a distorted version of the facts of the case. The material facts are that during the course of the hearing of WPMP No.7926/2003 in W.P.No.6050/2003 this Hon'ble Court enquired the respondents therein whether a notification U/S 6 of the A.P/Charitable & Hindu Religious Institution Endowments Act, 1987 was published in respect of this temple and when the reply to such query was in negative this Hon'ble Court gave a liberty to the respondents 1 and 2 to publish such notification provided the respondents 1 and 2 are satisfied for such notification. But the 1st respondent without disclosing his satisfaction for the publication of such notification prepared draft notification, which I came to know only after receipt of the notice from this Hon'ble Court in the present writ petition, to be published in the District Gazette. I further submit that any of the provisions enumerated under Section 6 of the said Act does not apply to the petition temple as its income in all ways does not exceed Rs.36,000/- p.a. as stated supra. It is in violation of the orders of this Hon'ble Court. When I submitted an application U/S 43 of the aforesaid Act as early as 15-4-2004 no action has so far been taken in that regard nor intimation to that effect was given to me. I further submit that there is no indication to show as to the mode of sending letters dt. 1-10-2004 and 11-7-2004 sent by the 1st petitioner to the 2nd respondent. This itself is a clear proof to show that the petitioners and the 2nd respondent are hand in glove to usurp the management of the petition temple and to plant their own men for the best reasons known to them. It is only on these alleged letters, draft notification U/S 6 C (ii) of the said Act was prepared and sent for publication without verification about the income of the temple. In fact the petition temple does not come under the purview of Sec. 6 of the said Act."

We have heard learned counsel for the parties and perused the record. In our opinion, the writ petition is liable to be dismissed on the short ground that the State Government has already issued order dated 17.07.2004 under Section 6 (c)(ii) of the 1987 Act and Person-in-Charge has been appointed to manage the affairs of the temple in question. It is a different thing that the appointment of a Person-in-Charge was stayed by the High Court.

There is another reason for declining the prayer of the petitioners. Although they have alleged that respondent No.4 has been misusing the temple, the particulars of such misuse have not been given. Moreover, the petitioners have not controverted the categorical averments contained in the counter-affidavit of respondent No.4. Therefore, on the basis of vague and bald averments, the Court cannot issue an order to prevent respondent No.4 from conducting poojas etc. in the temple.

For the reasons stated above, the writ petition is dismissed.

As a sequel to dismissal of the writ petition, W.P.M.P.No.20914 of 2006 filed by the petitioners for expediting hearing of the writ petition is disposed of as infructuous.

G.S. SINGHVI, CJ

G.V. SEETHAPATHY, J

31.08.2006
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